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Attorneys for Defendant Kohl's Department Stores, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AMY VIGGIANO, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

KOHL'S DEPARTMENT STORES,
INC.,

Defendant.

Civil Action No. 3:17-cv-00243-BRM-
TJB

Honorable Brian R. Martinotti, U.S.D.J.
Motion Return Date: May 1, 2017

NOTICE OF MOTION

PLEASE TAKE NOTICE that on May 1, 2017, at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendant Kohl's Department Stores, Inc. ("Kohl's"), of N95W18000 Appleton Ave, Menomonee Falls, Wisconsin, 53051, shall move through its attorneys Kelley Drye & Warren LLP, before the Honorable Brian R. Martinotti, U.S.D.J. of the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street,

Trenton, New Jersey 08608, for an order dismissing the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative, striking the class allegations in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Kohl's shall rely upon the accompanying Memorandum of Law and Declaration of Aaron Johnson, together with any papers that Kohl's may submit in reply to any opposition filed.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that if this motion is opposed, Kohl's requests oral argument.

Dated: March 29, 2017

Respectfully submitted,

/s/ Jeffrey S. Jacobson

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Attorneys for Defendant

Kohl's Departments Stores, Inc.

CERTIFICATE OF SERVICE

I, Jeffrey S. Jacobson, hereby certify that a true and correct copy of Defendant Kohl's Department Stores, Inc.'s Motion to Dismiss Plaintiff's Class Action Complaint Pursuant To Fed. R. Civ. P. 12(b)(6), Or, In The Alternative, To Strike The Class Allegations In The Complaint, Memorandum of Law and Declaration of Aaron Johnson in Support, and form order were filed on this 29th day of March 2017 using the Court's ECF system and is available for downloading and viewing by the following:

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Attorneys for Plaintiffs

/s/ Jeffrey S. Jacobson
Jeffrey S. Jacobson